



Legislation Details (With Text)

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Title: Non-Partisan Elections - For the purpose of providing for non-partisan elections for the offices of Mayor, Aldermen, and Alderwomen; providing procedures for the filling of vacancies in these offices; removing partisan consideration in the composition of the Board of Supervisors of Elections; modifying certain procedural timelines for the filling of vacancies; and generally relating to non-partisan elections.

Sponsors: Fred Paone

Indexes: Board of Supervisors of Elections, Rules and City Government Committee

Code sections:

Attachments: 1. CA-2-21 First Reader, 2. CA-2-21 Staff Report

Date	Ver.	Action By	Action	Result
6/14/2021	1	City Council	adopt on first reader	Fail

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**CITY COUNCIL OF THE
City of Annapolis**

Charter Amendment 2-21

Introduced by: Alderman Paone
Co-sponsored by:

Referred to
Board of Supervisors of Elections
Rules and City Government Committee
90 day Rule: _____

A CHARTER AMENDMENT Resolution concerning

Non-Partisan Elections

FOR the purpose of providing for non-partisan elections for the offices of Mayor, Aldermen, and Alderwomen; providing procedures for the filling of vacancies in these offices; removing partisan consideration in the composition of the Board of Supervisors of Elections; modifying certain procedural timelines for the filling of vacancies; and generally relating to non-partisan elections.

BY repealing and reenacting the following portions of the City Charter:
Article II, Section 5
Article II, Section 6
Article II, Section 7

SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the City of Annapolis shall be amended to read as follows:

THE CHARTER

Article II - ELECTION OF MAYOR AND ALDERMEN/ALDERWOMEN

Sec. 5. - ~~Primary election dates; municipal election dates; term dates.~~

- (A) COMMENCING ON JANUARY 1, 2022, ~~Nomination~~ nomination for a mayor ~~and~~ SHALL BE MADE BY FILING WITH THE BOARD OF SUPERVISORS OF ELECTIONS A CERTIFICATE EXECUTED BY NO FEWER THAN 50 QUALIFIED VOTERS OF THE CITY, WITH NO LESS THAN 5 SIGNATURES BEING THOSE OF REGISTERED VOTERS FROM EACH OF THE CITY'S WARDS. NOMINATION for one (4) alderman/alderwoman from each ward in the city shall be made by FILING WITH THE BOARD OF SUPERVISORS OF ELECTIONS A CERTIFICATE EXECUTED BY NO FEWER THAN 10 QUALIFIED VOTERS THAT ARE RESIDENTS OF THAT WARD. ALL CITY ELECTIONS SHALL BE NON-PARTISAN AND NO INDICATION OF PARTY AFFILIATION SHALL BE PLACED BESIDE ANY CANDIDATE'S NAME ON ANY BALLOT. ~~direct vote of the respective political parties at primary elections to be held in the city for the several candidates for mayor and, in each ward of the city, for the several candidates for aldermen/alderwomen, on the third Tuesday of September in each year in which municipal elections in the city are to be held.~~
- (B) Municipal elections shall be held on the first Tuesday after the first Monday in November in every fourth year, beginning with the year 1985. However, in the event an election will occur on the same day as the public observance of a religious holiday, or in case of severe weather, the board of supervisors of elections shall have the authority to reschedule the election to a day within one (1) week of the day prescribed by this section. The mayor and aldermen/alderwomen elected at each municipal election shall qualify in the manner prescribed by Article II, Section 3 of this Charter, and shall take office on the first Monday in December of the year in which they are elected and shall hold office until the first Monday in December in the fourth year following, or until their successors are elected and qualify.

Sec. 6. - Board of supervisors of elections.

- (a) There is a board of supervisors of elections of the City of Annapolis, consisting of three (3) residents in and voters of the city, ~~two (2) of whom shall always be selected from the leading political parties of the state, one (1) from each of such parties. The third member may be selected from either of the leading political parties of the state or from any other political party.~~ The members shall be persons of approved integrity and capacity, and may not hold elective office, nor be candidates for elective office during their terms of office. Members shall serve without compensation.
- (b) ~~Before appointing any supervisors of election, the city council shall request the city central committees representing the two (2) leading political parties of the state in the city each to designate at least four (4) eligible candidates for the position to be filled, by the second Monday in February. If a city central committee fails to nominate the required number of candidates as provided herein, the mayor shall submit a list of nominees to the city council in addition to the central committee's list by the first Monday in~~

~~March. The city council shall appoint the supervisors by the second Monday in March.~~

- (e) Members of the Board of Supervisors of Elections shall be appointed by the City Council for a term that begins on the second Monday of March following the General City Election in the preceding November and ends four (4) years later on the second Monday in March. In the event of a vacancy, the City Council shall immediately fill the vacancy only for the remainder of the four-year term. A member must be reappointed for a new term in order to serve beyond any four-year term. A chair of the Board of Supervisors of Elections shall be chosen annually by its members.

Sec. 7. - Vacancies.

- (a) COMMENCING ON JANUARY 1, 2022, ~~the~~ following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with less than ~~fifteen (15)~~ 18 months remaining until the next general election at which members of the city council shall be elected.

- (1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman/alderwoman, or removal out of the city by the mayor, or out of the ward, by any alderman/alderwoman, the mayor or acting mayor shall give written notice of the vacancy, within five ~~(5)~~ business days, to the ~~chairman of the city central committee of the political party to which the person vacating was registered with the board of supervisors of elections at the time of election~~ ALDERMEN/ALDERWOMEN.
- (2) Not more than five ~~(5)~~ business days after being notified by the mayor or acting mayor, the ~~central committee~~ALDERMEN/ALDERWOMEN shall announce the time and place of a public hearing to be held for the purpose of selecting candidates to fill the vacancy. ~~Such~~THE announcement shall consist of, but not be limited to, a prominent notice in a local daily newspaper. The hearing shall be held not less than ~~ten (10)~~ business days, nor more than ~~fifteen (15)~~ business days, from the date the announcement first appears in the newspaper.
- (3) ~~Not less than five (5) business days before the hearing date, the central committee shall announce the qualified candidates of its political affiliation to be considered at the hearing. If any otherwise qualified person is not selected by the central committee, that ANY QUALIFIED person shall be considered at the hearing upon presentation of a petition, in the case of a vacancy in the office of alderman/alderwoman, signed by at least fifty (50) 10 registered voters of the appropriate political party who live in the affected ward. If the vacancy is in the office of mayor, the petition shall bear the signatures of at least two hundred fifty (250) 50 registered voters of the appropriate political party, with not less than thirty (30) 5 signatures being those of registered voters from each of the city's wards.~~
- (4) At the hearing, each qualified candidate shall have an opportunity to address the ~~central committee~~ MAYOR AND ALDERMEN/ALDERWOMEN. ~~After all candidates have been heard, the central committee shall select one (1) candidate and the chairman of the committee shall notify the mayor or acting mayor, in writing, of the choice, not more than three (3) business days after the hearing.~~
- (5) At the next regularly scheduled meeting of the city council, or at a special session convened before then by the mayor or acting mayor for the purpose of filling the vacancy, THE MAYOR AND ALDERMEN/ALDERWOMEN SHALL SELECT ONE OF THE CANDIDATES TO FILL THE VACANCY AND the selected candidate shall be sworn in and seated immediately.
- (6) ~~If the person vacating office was not registered in a political party at the time of election, the city council shall follow as closely as possible the candidate selection and election procedure above prescribed for a central committee to follow, but without regard to the political affiliation of any candidate.~~

- (b) COMMENCING ON JANUARY 1, 2022, ~~the~~ following procedure for the filling of vacancies shall

apply whenever a vacancy shall occur with ~~fifteen (15)~~ 18 months or more remaining until the next general election at which members of the city council shall be elected.

- (1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman/alderwoman, or removal out of the city by the mayor, or out of the ward by any alderman/alderwoman, the mayor or acting mayor shall issue a proclamation directing that a special ~~primary election and a special~~ general election be held to fill the vacancy. The mayor or acting mayor shall issue this proclamation within five ~~(5)~~ days after the vacancy occurs.
- (2) The proclamation shall specify the date for the special ~~primary election and special~~ general election, provided that the special ~~primary election shall be held on any weekday other than a state or religious holiday which is at least twenty-three (23) days but no longer than thirty (30) days from the date of the proclamation and that the special~~ general election shall be held on any weekday other than a state or religious holiday which is at least ~~twenty-one (21)~~ days but not longer than ~~thirty (30)~~ days from the date of the ~~special primary election~~ PROCLAMATION.
- (3) Except as otherwise specifically provided herein, and except where such construction would be unreasonable, the provisions of this Charter and of Title 4 of the Code of the City of Annapolis shall be applicable to the special ~~elections~~ ELECTION provided for herein and the city shall annually budget an amount for that purpose.
- (4) Certificates of candidacy shall be filed with the office of the board of supervisors of elections not later than 9:00 p.m. on the Monday which is three ~~(3)~~ weeks before the day on which the special ~~primary~~ GENERAL election is scheduled to be conducted. If the filing date occurs on a legal holiday, the certificates shall be filed not later than 9:00 p.m. on the next regular business day which is not a legal holiday.
- (5) The candidate who has been declared elected by the board of supervisors of elections shall be sworn in and seated at the next regular or special meeting of the city council following the special general election.

SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that a notice of public hearing was published on the proposed charter amendment, at least 21 days in advance of the public hearing that was held on _____.

SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the date of adoption of this Resolution is _____, 20__, and the amendments of the Charter of the City of Annapolis, hereby enacted shall become effective on _____, 20__, unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days of adoption, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall until _____, 20__, and provided further that a copy of the title of this Resolution shall be published in "The Capital," a newspaper of general circulation in the City of Annapolis, or in any other newspaper of such general circulation, once in each of the weeks on, _____, 20__, _____, 20__, _____, 20__, and _____, 20__.

SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Mayor is hereby specifically commanded to carry out the provisions of Section III hereof, and, as evidence of such compliance, the Mayor shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published and if a favorable referendum is held on the Charter change, shall declare the Charter change hereby enacted to be effective on _____, 20__, by affixing his signature hereto in the space provided on the effective date of change.

SECTION V: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the Mayor shall send to the Maryland Department of Legislative Services a copy of this Resolution showing the number of Aldermen and Alderwomen voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a meeting of the Annapolis City Council on _____, 20__ ; _____ voting in the affirmative, _____ voting in the negative, _____ abstaining and _____ absent and the said Resolution becomes effective in accordance with law on the _____ day of _____ 20__.

EXPLANATION

UPPERCASE indicates matter added to existing law.

~~[Strikethrough]~~ indicates matter stricken from existing law.

Underlining indicates amendments.